

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Jeffrey Stephen Cole

Case No. 1:21-mj-30316
Judge: Unassigned,
Filed: 06-28-2021

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 1, 2021, through June 24, 2021 in the county of Saginaw in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

Offense Description

18 USC § 2252A(a)(5) & (b)(2), and
18 USC § 2422(b)

Possession of and Accessing with Intent to View Child Pornography Involving a Prepubescent Minor or a Minor Who Had Not Attained 12 Years of Age, in violation of 18 USC § 2252A(a)(5) & (b)(2), and Attempted Enticement of a Minor to Engage in Unlawful Sexual Activity, in violation of 18 USC § 2422(b).

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.



Complainant's signature

TFO, Evan T. Zapolski

Printed name and title

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: June 28, 2021

City and state: Bay City, Michigan



Judge's signature

Patricia T. Morris, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF ARREST WARRANT
JEFFREY STEPHEN COLE

COMPLAINT AFFIDAVIT

I, Evan Zapolski, being duly sworn, state:

1. I am employed as a Detective Trooper (D/Tpr.) with the Michigan State Police and a Task Force Officer (TFO) of the Federal Bureau of Investigation (FBI), and have been so employed since May 2013. I have been assigned to the Michigan State Police Internet Crimes Against Children Taskforce since February 2017, and have been a Task Force Officer with the FBI'S Northeast Michigan Trafficking & Exploitation Crimes Taskforce since March 2019. I have received training in the area of child pornography and child exploitation and have observed and reviewed numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. I have been involved with several investigations regarding child pornography and the exploitation of children through the internet.

2. This affidavit is submitted in support of a complaint and arrest warrant for Jeffrey Stephen Cole. It is my opinion there exists probable cause to believe Cole has violated 18 USC § 2252A(a)(5) & (b)(2) Possession of and Access with Intent to View Child Pornography Involving a Prepubescent Minor or a Minor Who Had Not Attained 12 Years of Age, and 18 USC § 2422(b) Attempted Enticement of a Minor to Engage in Unlawful Sexual Activity. This affidavit is intended to show only sufficient probable cause for the requested order and does not set forth all of my knowledge about this matter. In addition, the information contained in this affidavit is based on personal knowledge, training and experience, and on information made available to me by other law enforcement officers.

3. During June 2021, I portrayed a 14-year-old female child on the Internet, specifically using the mobile messaging application Kik. Kik Messenger, commonly called Kik, is a free instant messaging mobile application from the American company Kik c/o MediaLab.ai Inc., available free of charge on iOS and Android operating systems. It uses a smartphone's data plan or Wi-Fi to transmit and receive messages, photos, videos, sketches, mobile webpages, and other content after users register a username, using the Internet.

4. On June 1, 2021, my "14-year-old child" Kik profile received a message from Kik user "smonr1987," later identified as Jeffrey Stephen Cole. Between June 1, 2021, and June 23, 2021, when Cole was arrested on state charges in Saginaw County, Michigan, Cole and the "14-year-old child" engaged in conversations of sexual nature and planned to meet in person to engage in sexual activities.

5. Cole expressed interest in meeting the "14-year-old" to have sexual intercourse and sent images of an erect penis. On June 23, 2021, Cole traveled from the Grand Rapids area, Michigan, to Bridgeport, Michigan, for the purposes of meeting the "14-year-old" for sex. Cole was arrested after arriving at the prearranged meeting location and was charged in Saginaw County with child sexually abusive activity, in violation of MCL § 750.145c(2)(a), and using a computer to commit a crime, in violation of MCL §§ 752.796 and 752.797(3)(f).

6. During a post-*Miranda* interview, Cole admitted to attempting to meet the "14-year-old child." Cole said that he and the "14-year-old" discussed partaking in "sexual things" on the night of the meeting and his intent was to engage in sexual activities with the minor.

7. Cole provided verbal and written consent to search his Samsung cell phone. Cole denied having child pornography on his cell phone. Cole indicated no one else ever uses his cell

phone.

8. On June 24, 2021, I reviewed the contents of the Samsung cell phone. I located at least two videos depicting child pornography and I have described them below:

File Name: pthc_BJ cum in 5yo girl's mouth (GREAT!) DSCN2704.wmv

This video depicts a female child that appears to be around 5 years old. The female child performs oral sex on an erect penis. The erect penis ejaculates in the child's mouth.

File Name: A baby cumming party.mov

This video is 13 minutes 25 seconds. This is a video compilation that depicts different adult males sexually assaulting a variety of children ranging from infants to toddlers. There is text that rolls on the screen during the start of the video that reads, "stares with some toddlers but focused on babys. Please enjoy." At least five different infants are sexually assaulted in the video.

9. On June 24, 2021, after discovering the child pornography, I reinterviewed Cole at the Saginaw County Jail. During a post-*Miranda* interview, Cole admitted to using Kik to obtain child pornography. Cole had been viewing child pornography since he was 13 or 14 years old. Cole usually searched for child pornography once a week. The last time he received child pornography was approximately seven weeks ago. He admitted to distributing child pornography via Kik. He also indicated that no one else had the swipe pattern passcode to this cell phone.

10. Based upon the foregoing information, it is my opinion that probable cause exists that Cole has violated 18 USC § 2252A(a)(5) & (b)(2) Possession of and Access with Intent to

View Child Pornography Involving a Prepubescent Minor or a Minor Who Had Not Attained 12 Years of Age, and 18 USC § 2422(b) Attempted Enticement of a Minor to Engage in Unlawful Sexual Activity. Accordingly, I ask the Court issue a criminal complaint and arrest warrant for Jeffrey Stephen Cole for these offenses.

Dated the 28th day of June, 2021, at Bay City, Michigan.



Evan T. Zapolski
Task Force Officer
Federal Bureau of Investigation
Flint, Michigan

Sworn to before me and signed in my presence, and/or by reliable electronic means.



Patricia Morris
United States Magistrate Judge
Eastern District of Michigan